



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE **S.NAGAMUTHU**

and

THE HONOURABLE MR.JUSTICE **M.V.MURALIDARAN**

W.P (MD) No.21705 of 2016

and

WMP (MD) NO.15515 of 2016

PARAMARAJ

S/O.SUDALAIANDI, NO. 5/2A VALLUVAR STREET

SADAIAPPAPURAM , MUKKODAL VILLAGE

CHERANMAHADEVEI TALUK,

TIRUNELVELI DISTRICT.

.. Petitioner

Vs.

1 THE DISTRICT COLLECTOR

TIRUNELVELI DISTRICT. TIRUNELVELI.

2 THE TAHSILDAR

CHERANMAHADEVI TALUK TIRUNELVELI DISTRICT.

3 THE EXECUTIVE OFFICER

SELECTION GRADE TOWN PANCHAYAT MUKKODAL

TIRUNELVELI DISTRICT.

.. Respondents

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents not to evict the petitioner from his property situate in S.No. 69/3B1 Door No. 33 of Chokkalalpuram Mukkoodal Village Cheranmahadevi Taluk Ttirunelveli District.

For Petitioner : Mr.R.J.Karthick

For Respondents : Mr.S.Chandrasekar
Government Advocate

ORDER

(Order of the Court was made by M.V.MURALIDARAN, J.)

The writ petition has been filed for issuance of a writ of mandamus to direct the respondents not to evict the petitioner from his property situated in S.No. 69/3B1 Door No. 33 of Chokkalalpuram Mukkoodal Village Cheranmahadevi Taluk Ttirunelveli District.



2. The case of the petitioner is that he is the owner of the property in S.No.69/3B1 to an extent of 48.45 sq. mt. by virtue of the sale deed 09.06.2016. In the said survey number, he is running a medical store in the name and style of Saraswathi Medicals. The third respondent has also assessed property tax to the said shop. It is alleged that behind the medical shop, in S.No.69/3B, there is a pond and as per the revenue record, it was classified as Ayan Punja land and during August, 2016, the Assistant Divisional Engineer (Highways) has issued notice to the adjacent property owners for removing the encroachment. There are totally 30 shops nearby the petitioner's shop. It is further stated that on 08.11.2016, in front of the shops, the third respondent made an attempt to remove the encroachments. Based on the apprehension that the third respondent would remove the constructions made, the petitioner is before this Court with this petition.

3. We have heard the learned counsel for the petitioner and the learned Government Advocate, taking notice for the respondents.

4. The learned Government Advocate, on instructions, would submit that for the purpose of measuring the property, the third respondent is taking steps. He would further submit that they would measure the property as per the procedure contemplated under law and if there is any encroachment made by the petitioner, they would follow the procedure contemplated under the Land Encroachment Act to evict them.

5. With the above direction, the writ petition is disposed of. No costs. Consequently connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CRL)

/True Copy/

Sub Assistant Registrar

RR

To

1 THE DISTRICT COLLECTOR
TIRUNELVELI DISTRICT. TIRUNELVELI.



3 THE EXECUTIVE OFFICER
SELECTION GRADE TOWN PANCHAYAT MUKKODAL
TIRUNELVELI DISTRICT.

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+1cc to Mr.R.J.Karthick Advocate Sr.No. 67621

+1cc to Spl.Government Pleader Sr.No. 67917

JAM/23.11.16/PV 3p-6c

**ORDER MADE IN
W.P(MD)No.21705 of 2016**

10.11.2016